

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION**

FRANK A. AND SHELLY PALOMBARO, \*  
JR., *et al.*,

Plaintiffs,

v.

EMERY FEDERAL CREDIT UNION,

Defendant.

\*

CASE No. 1:15-cv-00792-SJD

\*

Judge Susan J. Dlott

Magistrate Judge Karen L. Litkovitz

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**PLAINTIFFS' MOTION TO SEAL EXHIBIT 39 TO PLAINTIFFS'  
MOTION FOR CLASS CERTIFICATION**

Plaintiffs, by and through undersigned counsel, in accordance with the Stipulated Protective Order for the Protection of Confidential Information ("Confidentiality Order") entered in this case (ECF No. 233), hereby file this motion to seal Exhibit 39 to Plaintiffs' Motion for Class Certification, stating as follows:

1. On February 6, 2017, Plaintiffs filed a Motion for Class Certification, requesting that the Court certify the Emery Federal Credit Union Class (the "Emery Class").
2. Plaintiffs' Motion for Class Certification is supported by 39 exhibits.
3. Plaintiffs propose to file Exhibit 39 to the Motion for Class Certification under seal.
4. Plaintiffs' Exhibit 39 is a document that has been marked "Confidential" by Emery which was produced by Emery in discovery.

5. Based on this designation, Plaintiffs file this Motion to Seal pursuant to the terms of the Confidentiality Order entered in this case (ECF No. 233) to file Exhibit 39 under seal<sup>1</sup>.

WHEREFORE, Plaintiffs request that this Honorable Court:

- A. Grant Plaintiffs' Motion to Seal Exhibit 39 to Plaintiffs' Motion for Class Certification;
- B. Order that Exhibit 39 to Plaintiffs' Motion for Class Certification be filed under seal; and
- C. For such other and further relief as this cause may require.

Dated: February 7, 2017

Respectfully submitted,

/s/ Gregory M. Utter

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<sup>1</sup> Plaintiffs are also producing to the Court a hard-copy of Exhibit 39 in a sealed envelope in accordance with the terms of the Confidentiality Order.

/s/ Michael Paul Smith

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify this 7<sup>th</sup> day of February, 2017, that I served copies of the foregoing Motion to Seal Exhibit 39 to Plaintiffs' Motion for Class Certification and proposed Order via this Court's CM/ECF system to counsel of record for the parties.

/s/ Melissa L. English

Melissa L. English, Esq., admitted *Pro Hac Vice*